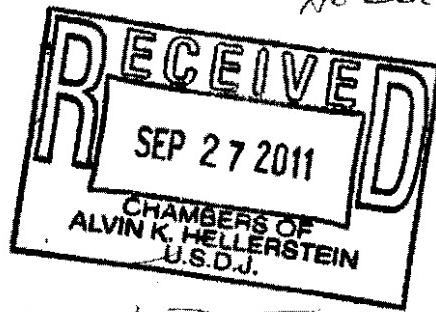


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

DAVID G. FRIEHLING,

Defendant.

PARTIAL VACATUR OF
PRELIMINARY ORDER OF
FORFEITURE AND STIPULATION &
ORDER OF INTERLOCUTORY SALE
(Timeshare Interest)

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09 Cr. 700 (AKH)

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WHEREAS, on or about November 3, 2009, the Court entered a Preliminary Order of Forfeiture (Final as to the Defendant) (the "Preliminary Order"), forfeiting, *inter alia*, all right, title and interest of DAVID G. FRIEHLING, the defendant, in certain property, including the following:

The vacation ownership interest (an undivided fee interest) known as Vacation Unit Number 23510, Vacation Period 41, in the St. Augustine Resort Condominium, also known as Sheraton Vistana Villages, together with all appurtenances thereto, according and subject to the Declaration of Condominium for St. Augustine Resort Condominium, as recorded in Official Records Book 9820, Page 1488, of the Public Records of Orange County, Florida, and all amendments thereof and supplements thereto;

(hereinafter referred to collectively as the "Timeshare Interest"). A copy of the Preliminary Order is attached hereto as Annex A;

WHEREAS, on November 3, 2009, the Court endorsed a Stipulation and Order of Interlocutory Sale (the "Order of Interlocutory Sale") as to certain property, including the Timeshare Interest. A copy of the Order of Interlocutory Sale is attached hereto as Annex B;

WHEREAS, on March 1, 2010, the Order of Interlocutory Sale was amended solely as to the High Tor Road property ("the Amended Order of Interlocutory Sale"). A copy of the Amended Order of Interlocutory Sale is attached hereto as Annex C;

WHEREAS, the parties agree that the Timeshare Interest has insufficient equity to justify forfeiture and request that the Preliminary Order, the Order of Interlocutory Sale and the Amended Order of Interlocutory Sale be vacated as to the Timeshare Interest.

NOW, THEREFORE, on the application of the United States of America, by Preet Bharara, United States Attorney for the Southern District of New York, Barbara A. Ward and Matthew L. Schwartz, Assistant United States Attorneys, of counsel; and DAVID G. FRIEHLING, by and through his attorneys, Lankler & Carragher, LLP, Andrew M. Lankler, Esq., of counsel, and Robin S. Friehling, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The Preliminary Order of Forfeiture (Final as to the Defendant) entered on November 3, 2009 is hereby vacated as to the Timeshare Interest, but shall remain in full force and effect in all other respects.
2. The Stipulation and Order of Interlocutory Sale entered on November 3, 2009 is hereby vacated as to the Timeshare Interest, but shall remain in full force in effect in all other respects.
3. The Amended Order of Interlocutory Sale entered on March 1, 2010 is hereby vacated as to the Timeshare Interest, but shall remain in full force in effect in all other respects.
4. The parties hereto shall each bear their own costs and fees.
5. The Clerk of the Court shall forward certified copies of this Order to Assistant United States Attorney Barbara A. Ward, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York
Sept 26 , 2011

CONSENTED AND AGREED TO:

PREET BHARARA
United States Attorney

By:

Barbara A. Ward
Barbara A. Ward
Matthew L. Schwartz
Assistant United States Attorneys
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SO ORDERED:	
<i>Alvin K. Hellerstein</i>	
ALVIN K. HELLERSTEIN	
UNITED STATES DISTRICT JUDGE	
Date	<i>9/28/11</i>
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